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MAY 06 2009

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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION

ANTHONY PAYTON

CIVIL ACTION NO. 08-946

VS.

SECTION P

WARDEN ELAYN HUNT  
CORRECTIONAL CENTER, ET AL


JUDGE TRIMBLE  
MAGISTRATE JUDGE KAY

**J U D G M E N T**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein and after an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

**ORDERED** that the petition for writ of *habeas corpus* be **DENIED** and **DISMISSED** with prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the District Courts since it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief.

**THUS DONE AND SIGNED**, in chambers, in Lake Charles, Louisiana, on this 6<sup>th</sup> day of May, 2009.

  
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JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE